

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

EMG TECHNOLOGY, LLC §  
§  
v. § CASE NO. 6:14-cv-94  
§  
AMICA MUTUAL INSURANCE §  
COMPANY §  
§

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EMG TECHNOLOGY, LLC §  
§  
v. § CASE NO. 6:14-cv-644  
§  
PUBLIX SUPER MARKETS, INC. §  
§

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EMG TECHNOLOGY, LLC §  
§  
v. § CASE NO. 6:14-cv-646  
§  
RITE AID CORPORATION §  
§

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EMG TECHNOLOGY, LLC §  
§  
v. § CASE NO. 6:14-cv-647  
§  
TEACHERS INSURANCE AND §  
ANNUITY ASSOCIATION-COLLEGE §  
RETIREMENT EQUITIES FUND §  
§

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EMG TECHNOLOGY, LLC §  
§  
v. § CASE NO. 6:14-cv-648  
§  
TOYS R US-DELAWARE, INC. §  
§

**ORDER CONSOLIDATING AND REQUIRING PLAINTIFF TO NOTIFY THE COURT WHEN CASE IS READY FOR SCHEDULING**

The Court previously consolidated several related cases and designated *EMG Technology, LLC v. Amica Mutual Insurance Company* as the lead case (6:14-cv-94, Doc. Nos. 8, 99). The consolidation was done for pretrial case management purposes. No significant proceedings have occurred in the consolidated action, and the Court has not entered a scheduling order.

Plaintiff recently filed four additional related cases (listed above). In view of the related nature of the consolidated action and the recently filed actions, they are hereby consolidated for all pretrial purposes, including discovery and claim construction. Cause number 6:14-cv-94, *EMG Technology, LLC v. Amica Mutual Insurance Company*, is designated as the lead case. The Court defers any decisions regarding consolidation for trial.

In view of this consolidation, the Clerk of the Court shall add the consolidated defendants and lead counsel to the lead case.<sup>1</sup>

Furthermore, the Court **ORDERS** Plaintiff to renew its notice of readiness for scheduling conference in the lead case when all Defendants have either answered or filed a motion to transfer or dismiss.<sup>2</sup> The notice must be filed within five days of the last remaining Defendant's answer or motion. The notice must include a list of any pending motions to dismiss or transfer and a list of any other related cases filed in the Eastern District of Texas involving the same

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<sup>1</sup> This pretrial consolidation—done for case management purposes—does not impact individual parties' rights to challenge venue as their rights existed prior to this consolidation. See *In re EMC Corp.*, 677 F.3d 1351, 1360 (Fed. Cir. 2012).

<sup>2</sup> Plaintiff should not delay filing the notice because of later-filed, related cases.

patent(s).

Within five days of this order, the Plaintiff also must file a notice indicating whether Plaintiff anticipates filing any additional related cases in this district.

If the cases are not ready for scheduling conference within ninety (90) days of this order, Plaintiff must file a detailed status report explaining the reason for the delay.

**It is SO ORDERED.**

**SIGNED this 22nd day of August, 2014.**



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MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE